

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY'S)	
FAILURE TO COMPLY WITH SAFETY RULES AND)	CASE NO. 9906
PRACTICES.)	

O R D E R

On December 18, 1986, W.V. Gilkey, an employee of Louisville Gas and Electric Company ("LG&E"), was seriously burned when he came into contact with an energized lightning arrestor while installing a transformer.

The Commission Staff investigated the incident and found that Gilkey was not wearing protective clothing at the time of the incident. In its report to the Commission, the Staff cited LG&E for violating 807 KAR 5:041, Section 3(1).¹

Based on the Staff report, the Commission on April 15, 1987, ordered LG&E to present evidence on its program to ensure compliance with 807 KAR 5:041, Section 3(1) and its safety manual, and to show cause why the Commission should not penalize it for alleged violations of 807 KAR 5:041, Section 3(1).

¹ 807 KAR 5:041, Section 3(1) requires all electric utilities to maintain their plant and facilities in accordance with the standards of the National Electric Safety Code (NESC). NESC Section 42 (420H) requires employees to use personal protective equipment and devices provided for work.

Upon the motion of LG&E, the Commission postponed the scheduled hearing to allow the Staff and LG&E to discuss the issues in this case. On March 28 and October 1, 1987, informal conferences between the Staff and LG&E representatives were held. These conferences and subsequent discussions between counsel for Staff and LG&E produced a proposed agreement entitled Stipulation and Proposed Settlement ("Settlement").

This Settlement has been presented to the Commission for its consideration as the resolution of this case.

Under the terms of the Settlement, LG&E stipulates that Gilkey violated Commission regulations, that he was an employee of LG&E and was acting in the scope of his employment when the violation occurred, and that, based upon the principle of imputed liability contained in KRS 278.990,² LG&E violated Commission regulations. In lieu of an assessment of a penalty against it, LG&E agrees to amend its safety rules to require its employees to wear protective equipment if working within five feet of energized equipment.

The Commission has reviewed the Settlement and believes that its adoption is in the public interest. We note that revised safety rules will double LG&E's existing minimum clearance standards and should reduce accidents.

² KRS 278.990(1) states: ". . . Each act, omission or failure by an officer, agent or other person acting for or employed by a utility and acting within the scope of his employment shall be deemed to be the act, omission or failure of the utility."

After reviewing the record and being advised, the Commission is of the opinion and finds that:

1. W.V. Gilkey failed to comply with the standards of accepted good engineering practice as contained in 807 KAR 5:041, Section 3(1) while installing a transformer on December 18, 1986. Specifically, Mr. Gilkey failed to wear protective equipment while working close to energized equipment.

2. At the time of the incident, Mr. Gilkey was an employee of LG&E and was acting within the scope of his employment.

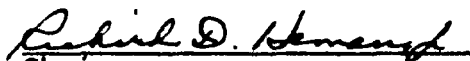
3. Pursuant to the provisions of KRS 278.990(1), Mr. Gilkey's failure is deemed to be a failure of LG&E. Based upon this principle of imputed liability, LG&E violated 807 KAR 5:041, Section 3(1).


4. The Stipulation and Proposed Settlement, a copy of which is attached hereto as Appendix A, should be approved and adopted.

IT IS THEREFORE ORDERED that the Stipulation and Proposed Settlement be, and it hereby is, approved and adopted.

Done at Frankfort, Kentucky, this 19th day of February, 1988.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director

FILED

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BEFORE THE PUBLIC SERVICE COMMISSION

JAN 29 1988

PUBLIC SERVICE
COMMISSION

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LOUISVILLE GAS AND ELECTRIC COMPANY'S)
FAILURE TO COMPLY WITH SAFETY RULES AND) CASE NO. 9906
PRACTICES.)

STIPULATION AND PROPOSED SETTLEMENT

A Show Cause Order was issued in the above-captioned matter to investigate an alleged violation by Louisville Gas and Electric Company ("LG&E") of 807 KAR 5:041, Section 3(1) in a specific incident involving W. B. Gilkey, an employee of LG&E.

Upon extensive negotiations between LG&E and the Public Service Commission Staff ("PSC Staff"), the following Stipulation and Proposed Settlement ("Proposed Settlement") is entered into and offered for consideration as a basis for resolution and settlement of Case No. 9906. It is understood that this Stipulation and proposed settlement is not binding upon the Commission.

For the purposes of this Stipulation and Proposed Settlement only, LG&E and PSC Staff hereby stipulate that:

1. W. B. Gilkey failed to comply with the standards of accepted good engineering practice as contained in 807 KAR 5:041, Section 3(1) while installing a transformer on December 18, 1986. Specifically, Mr. Gilkey failed to wear protective equipment while working close to energized equipment.

2. At the time of the incident, Mr. Gilkey was an employee of LG&E and was acting in the scope of his employment.

APPENDIX A

3. Pursuant to the provisions of KRS 278.990(1), Mr. Gilkey's failure is deemed to be a failure of LG&E. Based upon this principle of imputed liability, LG&E violated 807 KAR 5:041, Section 3(1).

The PSC Staff and LG&E agree that revision of LG&E's existing safety rule on clearances better serves the public interest than the assessment of a penalty against LG&E. The proposed revision of this rule will reduce the likelihood of utility related injuries. The PSC Staff acknowledges that LG&E's existing rule complies with PSC regulations and National Electric Safety Code (1981 ed.) standards.

Section E5.7 to the Louisville Gas and Electric Company Safety Manual (2d edition) ("Safety Manual") states:

Employees shall not approach, or take any conductive object without approved insulation, closer to unguarded exposed energized parts than shown in the following table unless the employees are insulated from the energized parts, or the energized parts are insulated from the employees. Approved rubber gloves and sleeves shall be considered to be adequate insulation of the employees from the energized part.

<u>Nominal Line-to-Line</u>	<u>Minimum Clearance</u>
34.5 KV & below	2 feet -- 6 inches
69 KV	3 feet -- 0 inches
138 KV	3 feet -- 6 inches
345 KV	7 feet -- 0 inches

For purposes of this Proposed Settlement, the foregoing standards shall be referred to as the "original minimum clearance distances."

LG&E agrees to amend Section E5.7 as follows:

Employees shall not approach or take any conductive object without approved insulation, closer to unguarded exposed energized parts than shown in the following table unless the employees are insulated from the energized parts, or the energized parts are insulated

from the employees. Approved rubber gloves and sleeves shall be considered to be adequate insulation of the employees from the energized part.

NOMINAL LINE-TO-LINE
600 V. to 138 KV.
345 KV.


MINIMUM CLEARANCE
5 feet
7 feet

For purposes of this Proposed Settlement, the foregoing standards shall be referred to as the "amended minimum clearance distances."

Upon entry of an Order by the Commission adopting this Stipulation and Proposed Settlement, LG&E shall have 6 months to conduct an intensive training program to review and implement the amended minimum clearance distances. LG&E will use tailgate sessions, safety briefings and other methods the Company deems appropriate to train and implement the amended minimum clearance distances.

LG&E shall begin enforcing the amended minimum clearance distances no later than 6 months after entry of an Order approving this Stipulation and Proposed Settlement.

This matter is submitted to the Commission for its review and action.


Kendrick R. Riggs, Attorney
Louisville Gas and Electric Company

JANUARY 27, 1988
Date


Gerald E. Wuetcher, Staff Attorney
Public Service Commission

13 JAN 88
Date